

Hollie Berry
Mayor

City of Red Bank
Municipal Planning Commission

John Alexander
Interim City Manager

WORK SESSION AGENDA
September 14, 2021
12:00 pm
Red Bank City Hall

I. CALL TO ORDER

II. ROLL CALL – Secretary

- ☐ Commissioner Browder
- ☐ Commissioner Cannon
- ☐ Commissioner Luther

- ☐ Commissioner Millard
- ☐ Commissioner Skonberg

III. Agenda items for the September 16, 2021 regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

- 1. August 19, 2021

B. NEW BUSINESS

- 1. Final Plat for Hartman Hills Subdivision, located at 5005 Dayton Boulevard
- 2. Any properly presented new business

C. UNFINISHED BUSINESS

- 1. Design Review Standards - Street Tree Requirements
- 2. Public Art Ordinance
- 3. Any properly presented unfinished business

D. OTHER BUSINESS

IV. ADJOURNMENT

Hollie Berry
Mayor

City of Red Bank
Municipal Planning Commission

John Alexander
Interim City Manager

REGULAR MEETING AGENDA
September 16, 2021
6:00 pm
Red Bank City Hall

I. CALL TO ORDER

II. ROLL CALL – Secretary

- | | |
|---|--|
| <input type="checkbox"/> Commissioner Browder | <input type="checkbox"/> Commissioner Millard |
| <input type="checkbox"/> Commissioner Cannon | <input type="checkbox"/> Commissioner Skonberg |
| <input type="checkbox"/> Commissioner Luther | |

III. INVOCATION – Commissioner Millard

IV. PLEDGE OF ALLEGIANCE – Commissioner Browder

V. CONSIDERATION OF THE MINUTES

1. August 19, 2021

VI. NEW BUSINESS

1. Final Plat for Hartman Hills Subdivision, located at 5005 Dayton Boulevard
2. Any properly presented new business

VII. UNFINISHED BUSINESS

1. Design Review Standards - Street Tree Requirements
2. Public Art Ordinance
3. Any properly presented unfinished business

VIII. OTHER BUSINESS

IX. ADJOURNMENT



MUNICIPAL PLANNING COMMISSION

Hollie Berry
Mayor

MINUTES
August 19, 2021
6:00 p.m.
Red Bank City Hall

John Alexander
**Interim City
Manager**

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:00 PM.

II. ROLL CALL

Commissioner Browder called the roll. Commissioners Browder, Luther, Millard, Smith and Skonberg were in attendance. The Commission's planning advisor from the Southeast Tennessee Development District and the City Manager were also present. No additional attendees were present.

III. INVOCATION

Commissioner Millard gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Browder led the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

A. June 17, 2021 Meeting Minutes

Commissioner Browder asked for any corrections to the minutes. Having none, Commissioner Millard motioned to approve the minutes as written. Commissioner Skonberg seconded the motion. The motion passed unanimously.

VI. NEW BUSINESS

1. Revised Plat - Delashmitt Road Subdivision

Staff stated that the revised plat did not show sidewalks along Delashmitt Road, and the developer had requested to not install these sidewalks due to concerns regarding the safety of

pedestrians along the sidewalks. Staff stated that the road was indeed narrow and had fast moving traffic. The speed limit along Delashmitt Road is 30 miles per hour and the traffic count is 2,351 on average per day. Staff presented literature from the Safe Routes to School program that showed sidewalk designs with appropriate barriers to protect children. Staff stated that the Planning Commission must decide if the requirement of the sidewalks would be considered reasonable.

Ethan Collier stated that he felt the sidewalks would be unsafe for pedestrians and infeasible because the stormwater runoff from Delashmitt Road would be carried into the subdivision, which was not accounted for in the original land disturbance permit. He stated that the sidewalks were not on the land disturbance permit that was approved by Red Bank and that the Preliminary Plat did not show the sidewalks.

After reviewing the records, staff stated that the sidewalks were added to the Preliminary Plat between the work session and the regular meeting of the Planning Commission after they were requested by City Manager Tim Thornbury. She also stated that land disturbance permits are not issued by the City of Red Bank, but by Hamilton County, and that they do not review those plans against the subdivision regulations.

Commissioner Browder stated that it sounds like it was an issue with the process rather than the fault of the developer or City.

Commissioner Skonberg reviewed the bus route information and stated that there was a bus stop along Delashmitt Road at the abutting property to the north. She requested that an accessible sidewalk be installed to allow students to reach the bus stop. The other commissioners concurred with this requested.

After additional discussion, Mr. Collier agreed to the request to install a walkway to the edge of the property from Strong Avenue.

Commissioner Luther motioned to approve revised final plat subject to the inclusion of an accessible sidewalk from Strong Avenue to the property line of adjacent church. Commissioner Smith seconded the motion. The motion passed unanimously.

2. Request to Rezone 209 Morrison Springs Road from C-2 to C-1

This request was tabled at the request of the applicant.

3. Multimodal Access Grant Project - Sidewalks along State Route 8 (Dayton / Cherokee Blvd) from near the tunnel to Signal Mountain Road

Staff stated that there was no design available for this project, but that the city was hiring an engineer to provide preliminary design. Staff requested approval by the Planning Commission of the project pending review of the design.

Commissioner Skonberg motioned to recommend that the Board of Commissioners apply for the Multimodal Access Grant for sidewalks and other improvements along

State Route 8 (Dayton / Cherokee Blvd) from near the tunnel to Signal Mountain Road. Commissioner Luther seconded the motion. The motion passed unanimously.

4. City-owned property discussion

Staff provided information on the city-owned properties, including the property at 3112 Elmore Avenue. The Planning Commission did not take any action or make any recommendations.

5. Pickleball Court Proposal - 3112 Elmore Avenue

Staff stated that the Board of Commissioners was seeking to utilize this property, which lies in the flood zone, to establish pickleball courts. Staff stated there could potentially be up to four courts, and possibly include some other uses as well. She stated that the park would be professionally designed by GameTime if they are awarded the grant.

Commissioner Millard made a motion to recommend that the Board of Commissioners pursue grant funding to establish a pickleball court and other recreational facilities at 3112 Elmore Avenue. Commissioner Skonberg seconded the motion. The motion passed unanimously.

6. Public Art Ordinance discussion

Commissioner Browder stated that this item would need additional research and consideration. Commissioner Luther stated that they need to be careful about the definition of mural and suggested that they look to what other communities have done to differentiate murals from graffiti. The item was tabled for consideration at future meetings.

7. Election of Planning Commission Secretary

Planner Ashley Gates took nominations for the Planning Commission Secretary. Commissioner Skonberg nominated herself. Commissioner Luther seconded the nomination. Commissioner Skonberg was elected as Planning Commission Secretary unanimously.

VII. UNFINISHED BUSINESS

1. Steep Slope Ordinance

This item was tabled due to time. A special-called meeting was set for August 30th at 11:00 AM to discuss the steep slope ordinance and other unfinished business.

2. Design Review Standards - Street Tree Requirements

This item was tabled due to time.

VIII. OTHER BUSINESS

No other business was presented. Commissioner Millard motioned to adjourn. Commissioner Smith seconded the motion. The meeting was adjourned at 7:41 P.M.

Chairman



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Ashley Gates, Regional Planner

Date: September 8, 2021

Subject: Revised Plat - Delashmitt Road Subdivision

SUMMARY

Property Address: 5005 Dayton Blvd.

Tax ID: 0990 B 001.01

Deed Book: DB 5158 Pg. 510

Property Owner: RP Dayton Blvd LLC

Applicant: Rise Partners

Background: A preliminary plat for Hartman Hills was approved in May 2021. The plat followed approval of a Planned Unit Development Plan. The final plat approval is required for building permits to be issued for the construction of the homes.

Staff Recommendation: Awaiting submission of final plat

ANALYSIS

Background

This development has gone through the following approval process:

1. Rezoning – June/ July 2020
2. Preliminary PUD Plan / Special Exceptions Permit / Preliminary Plat – August 2020
3. Final PUD Plan – Approved with Minor Changes, February 2021
4. Revised Preliminary Plat – May 2021
5. **Final Plat – September 2021**

Existing and Proposed Use

The 26.3-acre lot currently has one home, which sits more than 1,000 feet from Dayton Blvd. The applicant proposes a development of 61 single-family homes and 10 townhouses, as approved in the PUD Plan. Two roads will be built, with one extending perpendicular to Dayton Blvd., and the other creating a loop providing access to the remaining lots.

At the entrance off Dayton Boulevard, there will be a small community lot to the right, 29 feet deep. To the left is a large retention pond, on a community lot that will be more than 100 feet deep. This creates a buffer between the busy Dayton Boulevard and the residential lots.

Density

The proposed density is 2.7 units per acre, which is within the allowed density for a PUD in the R-3 Zone and does not exceed the condition of a maximum of 5 units per acre that was placed on this property when rezoned. The density without the large rear lots is 5.1 acres units per acre. Note that the density condition is assigned to the overall development and the topography dictates that the front half of the development will have more lots should the rear portion be developed.

Zoning Ordinance

The property was rezoned to R-3 in July 2020 with the condition that the density be no higher than 5 units per acre, and that only townhomes and single-family residences be built. The developer proposes 10 townhouses and 61 single-family homes, meeting these conditions.

The Special Exceptions Permit requires that the developer provide open recreational space for the residents of the PUD. The developer provides 3.39 acres of open space in two community lots.

Variances

The preliminary plat and final PUD were approved with two variances:

1. Decrease of the road width requirement to only 22 feet wide due to steep slopes and desire to preserve trees.
2. Variance to allow a road grade above 4% at the internal intersections

RECOMMENDATION

Staff is awaiting submission of the Final Plat for full review. Staff recommends that sidewalks along Dayton Boulevard be installed with tree wells for street trees in order to comply with the ADA Transition Plan and Red Bank Land Use Plan.

If the plat appears to conform with the Preliminary Plat, Subdivision Regulations, and ADA Transition Plan, staff will recommend approval. Approval must be subject to review by EPB, WWTa, and Hamilton County GIS.

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Gregory Tate, Interim Director of Public Works

From: Ashley Gates, Regional Planner

Date: September 8, 2021

Subject: Design Review Standards – Street Trees

Background

Previously, the Planning Commission approved changes to the Zoning Ordinance to require native species be planted for screening purposes. This ordinance is currently under review by the City Attorney. This ordinance is for screening trees, typically between commercial uses and residential uses, or between high and low density residential uses. The ordinance does the following:

- Changes the pre-approved tree list to only native species
- Allows for non-native fruit trees
- Requires Planning Commission approval for non-native species
- Expands the prohibited plants list to include additional invasive species
- Allows native plant to be installed at a smaller size when approved by the City Manager or his/her designee
- Adjusts the heights of the shade tree classifications to avoid an inadvertent gap
- Refers to the TVA tree list for trees located within a TVA easement

The Design Review Standards requires Yoshino Cherry trees, which are not part of the native tree list. Review has been requested by Mayor Berry to look at other potential species to use street trees. Planning Commissioners expressed concern about the consistency look trees along Dayton Boulevard.

Design Review Standards

B. Street Trees

1. The applicant or contractor will be responsible for installation of Street Trees. Street Trees will be installed in front of all new development, if applicable, on Dayton Boulevard, Ashland Terrace and Morrison Springs Drive to the maximum extent practicable.
2. Street trees **shall** be planted along the right-of-way and Pedestrian Zone between the property lines at least every thirty- five (35) linear feet to the maximum extent practicable.
3. Street trees within the Pedestrian Zone **may** be located in tree pits with grates or in a continuous planting strip with other plant material.
4. Tree pits, where permitted, **shall** be five (5) feet in width and five (5) feet in length, if applicable.
5. Street tree locations **shall** be coordinated with the street lighting and utility plans to minimize interference.
6. Street trees planted along Dayton Boulevard, Ashland Terrace, and Morrison Springs should be ~~Yoshino Cherry~~ **of the same species as the street trees planted within 150 feet of the property, or a compatible species as determined by the City Manager or Planning Commission. If no trees are planted within 150 feet, the street trees** ~~All others~~ shall be of a type and size prescribed in Chapter IX of the Red Bank Zoning Ordinance ~~or~~ **and** approved by the Planning Commission or City Manager based on compatibility with the urban street system.

Additional Recommendations

Staff proposes the above change to keep the street trees consistent with existing trees, while allowing the use of native species for areas that are not already planted with Yoshino Cherry trees.

If the Board of Commissioners and/or Planning Commission wishes to have stricter review of street trees and general landscaping, a separate tree board is recommended.



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Gregory Tate, Director of Public Works

From: Ashley Gates, Regional Planner

Date: September 8, 2021

Subject: Public Art Ordinance

BACKGROUND

Public art such as murals and sculptures are regulated by the city's sign ordinance and building codes. In an effort to promote more public art, the Mayor has requested that the Planning Commission review a public art ordinance. Attached are sample ordinances.

RECOMMENDATION

Staff recommends three separate ordinances to implement public art regulations:

1. Establish a Public Art Commission to advise on permits, public art projects, and donations.
Note: The Public Art Commission may only be advisory in nature, with the Board of Commissioners having final say over any permits due to Tennessee state law.
2. Establish separate standards for murals that the Public Art Commission will review mural permit applications against
3. Update the sign ordinance to exclude murals

Part 1: Public Art Commission

A. Definitions

“Public Art” shall be defined as any permanent or temporary work of art created by artists of craftsmen and sited in a public space and accessible or visible for the public to view or experience. Public art does not include architectural or landscape design except when developed by artists.

B. Establishment of Public Art Commission

There is created and established a Commission legally known as the “Red Bank Public Art Commission” referred to in this chapter as “Commission.”

C. Purpose of Commission

The purpose of the Commission shall be as follows:

The purpose of the Commission shall be as follows:

1. To promote and advocate for the inclusion of art in public spaces;
2. To cooperate with and assist public, private and governmental entities in realizing public spaces as a place where the visual arts are an essential component of enhancing community identity and connection;
3. To review permit applications for murals, sculptures, and other forms of public art
4. To advise on the selection, placement, maintenance, relocation, and deaccessioning of artwork acquired by the City of Red Bank.

D. Membership

The board shall consist of five members appointed by the Board of Commissioners. A majority of the board shall be arts professionals, hereby defined as an individual having outstanding knowledge of the arts and recognized by critics and peers as a professional practitioner in the visual, performing, or language arts or a combination thereof, as judged by the quality of that professional practitioner's body of work, educational background, experience past commissions, exhibition/performance record, publications, and production of artworks. An arts professional may be an artist, art historian, curator, arts administrator, arts educator, critic, architect, or landscape architect. A board member shall receive no compensation for his/her services. The board members shall be in voluntary service to the city.

E. Duties

The Commission shall:

1. Adopt public art guidelines, which shall include criteria for accepting donations or gifts of art, both cash and tangible art, deaccession of artwork, proposals for memorials and murals on city-owned property, a method or methods for the selection of artists or public art projects and for placement of public art projects;
2. Advise the Board of Commissioners on permit applications for mural and other public art installations consistent with the guidelines set forth in Title# Chapter#;

3. Advise the City of Red Bank on public art investments, including publicly-, privately- and grant-funded opportunities;
4. In accordance with City procurement guidelines, provide guidance regarding purchasing of existing art for public art projects or commissioning of the design, execution and/or placement of public art for public art projects;
5. Consult with the appropriate City department and regarding the design and construction components of any public art project;
6. Ensure the existence of an appropriate amount of funds to cover the maintenance of commissioned and donated public art projects;
7. Promulgate rules and regulations consistent with this ordinance to facilitate the implementation of the Commission's responsibilities hereunder;
8. In order to carry out and facilitate the Commission's general purposes, it shall have authority to:
 - a. Elect a chairman and such other officers as it may deem necessary to carry out the functions and duties of the Commission;
 - b. Promulgate and maintain its own regulations and bylaws;
 - c. Approve advisory committees or panels of experts as necessary to assist in the discharge of its duties;
 - d. Review and accept any donations to the City of public artworks or funds for public art projects;
 - e. Review and accept the deaccession of artwork;
 - f. Review and accept proposals for memorials and murals on city-owned property;
 - g. Recognize individuals, institutions and organizations who exemplify excellence in public art endeavors by bestowing upon such individuals, institutions and organizations such awards and commendations as the Commission from time to time deems appropriate;

Part 2: Standards for Murals and Public Art

A. Definitions

“Graffiti” means non-approved artistic work or random markings applied to buildings, walls, accessory structures or uses as an act of vandalism on public or private property. (This excludes temporary soluble chalk markings or paint marking used for marking utility locations made by a utility company or surveyor.)

“Murals” are original works of visual art produced by hand that are tiled, painted directly on, or affixed directly to a permanent wall or building. Murals cannot contain text, or symbols that advertise or promote a business, product, or service; or promote a political candidate or party, these items shall be regulated as signs, elsewhere in this Title. Murals shall not include the use of digitally printed vinyl. Such murals shall not contain electrical or mechanical components or feature a changing image. Murals shall be maintained to preserve the visual quality of the image.

“Public Art” shall be defined as any permanent or temporary work of art created by artists of craftsmen and sited in a public space and accessible or visible for the public to view or experience. Public art does not include architectural or landscape design except when developed by artists.

B. Administration of murals.

(a) *Standards for murals.* Murals shall comply with the following standards:

- 1) No graffiti shall be permitted within or on a mural.
- 2) Murals shall be placed only on walls of buildings in commercial, industrial or on walls of buildings of institutional uses in residential districts.
- 3) Murals may be placed/painted on any façade of a building but shall not cover windows or doorways unless included on the door.
- 4) Murals may contain text within the image, but text may not advertise or promote a business, product, or service; or promote a political candidate or party.
- 5) No owner or lessor of a building containing a mural may declare damages from the use or viewing of a mural should an adjacent or area property owner erect a building, fence, wall or landscaping that obstructs the vision of a mural from a public street or area private properties.
- 6) The mural shall be painted with limited paint types (oil, acrylic, or other typical wall paint and may include airbrushing or spray paint applications) treated with a sealed-coating and remain at least one (1) year on the painted surface. The mural may be repainted with the same image without obtaining approval or re-approval by the authority.
- 7) Murals may contain images of items/products sold within the building(s) without being considered a commercial message.
- 8) Murals containing obscenity, fighting words, and incitement shall be prohibited.
- 9) Murals containing mages of a vulgar, pornographic nature are prohibited.

(b) *Prohibited murals images.*

- 1) No murals shall contain any devices that includes flashing colors, glitter panels, internal light sources, movement of parts from hand, electric, wind or other similar power sources.
- 2) Murals shall not be composed of vinyl wrappings but shall be limited to tiled or painted surfaces.
- 3) Graffiti is not a permitted form of a mural.

(c) *Mural image permitting process.*

- (1) *Application.* All applications for a mural shall be made at City Hall and contain the following information.
 - 1) Written consent from the property owner.
 - 2) Draft or scaled rendering of the art work (mural) on the proposed surface and a photograph or rendering of the existing surface.
 - 3) Dimensions of the artwork (mural).
 - 4) Maintenance plan for the mural.
 - 5) Any letters of support from surrounding property owners.
- (2) *Review and Approvals.*
 - 1) All mural applications shall be reviewed by the Red Bank Public Art Commission and referred to the Board of Commissioners for approval. If approved by the Board of Commissioners, the City Manager shall issue a permit for the mural.

Part 3: Update of Sign Ordinance

Added text underlined

ADVERTISING SIGNS, ADMINISTRATION, AND ENFORCEMENT

9-801. Exemptions from and applicability of Chapter.

(1) Nothing in this chapter shall apply to any notice required by this code or other ordinances of the city or legal notices of public officers and attorneys, posted in the manner and places provided by law, or to the right of any newspaper to distribute its paper throughout the city.

(2) Nothing contained herein is intended to conflict with the provisions of the Red Bank Zoning Ordinance as now enacted or hereafter amended except that the provisions of 9-822 through 9-825 are intended to provide that, notwithstanding provision in the zoning ordinance that would otherwise permit the erection and maintenance of on premise and/or off-premise signs in a zone or zones, the provisions of 9-822 through 9-825 shall override the permissive provisions of the zoning ordinance currently located in zones where such uses are currently permitted by the zoning ordinance.

(3) Murals, as defined in Section 9-802, shall be exempt from this chapter. Murals are regulated by Title#, Chapter#. Murals cannot contain text or symbols that advertise or promote a business, product, or service; or promote a political candidate or party, these items shall not be exempt and shall be regulated as signs.

9-802. Definitions.

“Murals” are original works of visual art produced by hand that are tiled, painted directly on, or affixed directly to a permanent wall or building. Murals cannot contain text, or symbols that advertise or promote a business, product, or service; or promote a political candidate or party, these items shall be regulated as signs. Murals shall not include the use of digitally printed vinyl. Such murals shall not contain electrical or mechanical components or feature a changing image. Murals shall be maintained to preserve the visual quality of the image.